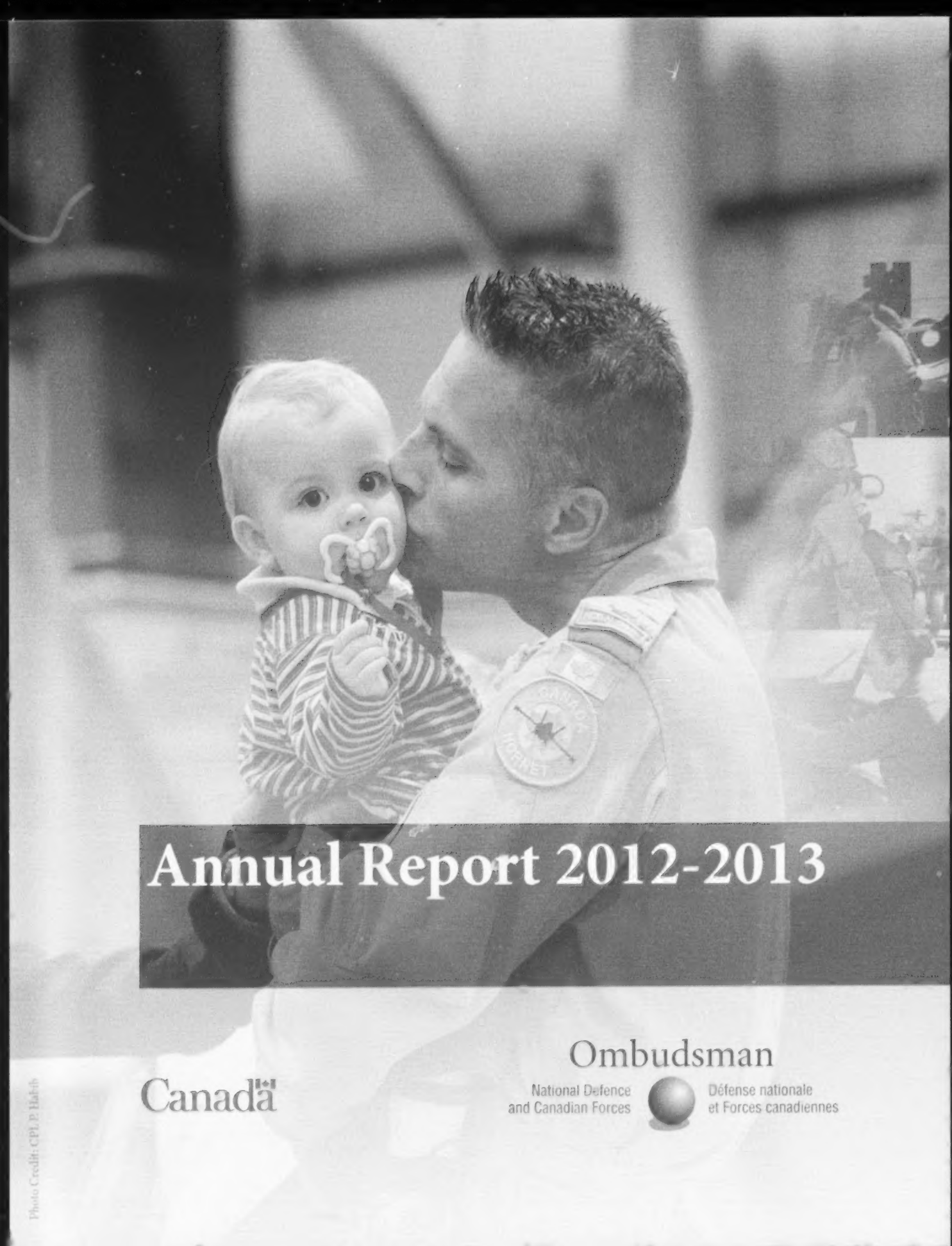


Annual Report 2012-2013

Canada

Ombudsman

National Defence and Canadian Forces

Défense nationale et Forces canadiennes

Photo Credit: CPL P. Habib

Report of the

Office of the Ombudsman

for the Department of National Defence
and the Canadian Forces

to the

Minister of National Defence

Contact Us

Online:	www.ombudsman.forces.gc.ca
Secure Online Complaint Form:	www3.ombudsman.forces.gc.ca/ocf_e.php
Telephone:	1-888-828-3626
Fax:	1-877-471-4447
Mail:	Office of the Ombudsman for the Department of National Defence and the Canadian Forces 100 Metcalfe Street, 12th Floor Ottawa, Ontario Canada K1P 5M1
E-mail:	ombudsman-communications@forces.gc.ca (non-confidential information only)

April 2013

The Honourable Peter MacKay, P.C., Q.C., M.P.
Minister of National Defence
National Defence Headquarters
Major-General George R. Pearkes Building
101 Colonel By Drive
13th Floor, North Tower
Ottawa, Ontario
K1A 0K2

Dear Minister,

I am pleased to submit to you the 2012-2013 Annual Report for the Office of the Ombudsman for the Department of National Defence and the Canadian Forces. This report provides an overview of our activities and operations from April 1, 2012 to March 31, 2013.

Pursuant to paragraph 38(2)(a) of the Ministerial Directives, please be advised that we intend to publish this report on the expiration of 60 days from this date.

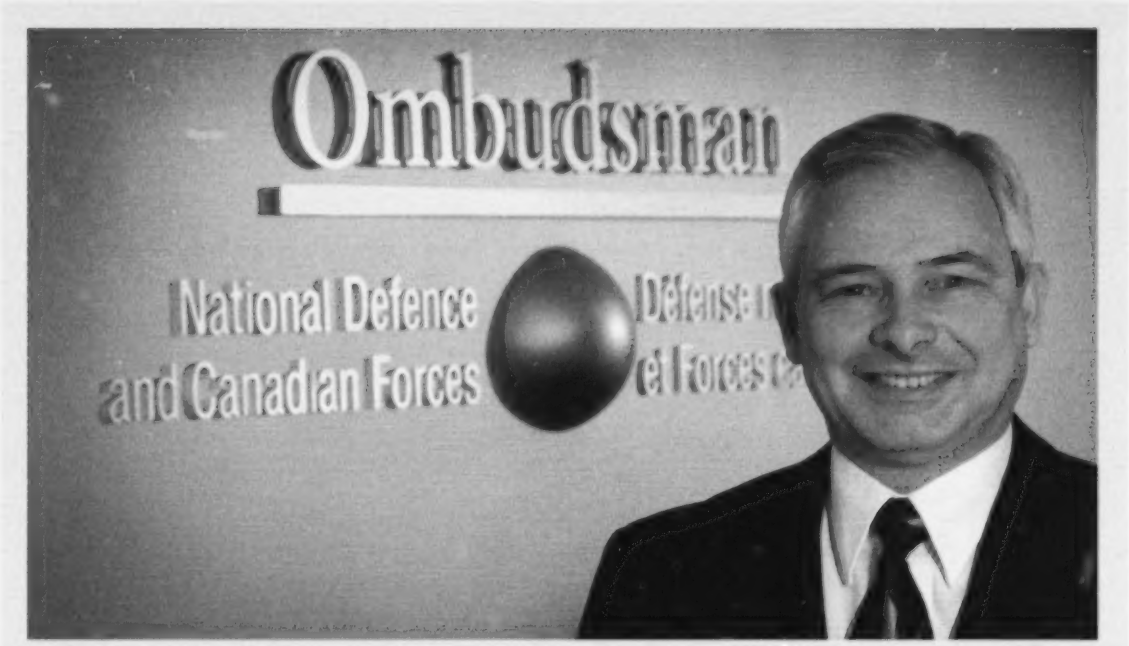
Yours truly

Pierre Daigle

Pierre Daigle
Ombudsman
Department of National Defence and Canadian Forces

Table of Contents

Ombudsman's Message	2
An Office That Can Help	4
The Year in Review: 2012-2013	6
Individual Cases	6
Special Reports	10
Ongoing Issues	14
Broader Investigations	16
Corporate Priorities and Initiatives	20
Outreach	22
Ombudsman's Advisory Committee	26
Liz Hoffman Memorial Commendation for Complaint Resolution	28
Appendix I – Disposition of Cases (2012-2013)	30
Appendix II – Financial Report	31



Ombudsman's Message

This year marks the 15th anniversary of the creation of the Department of National Defence and Canadian Forces Ombudsman. Stated simply, the role and purpose of the office is to identify areas of unfairness and bring forth recommendations to fix them.

Over the past four years, I have reorganized the office to become a more innovative, nimble and constituent-focused service provider. I am especially pleased with the progress and results achieved by our office this past fiscal year.

Our most visible intervention in 2012-2013 related to our follow-up reviews of recommendations previously made by the Ombudsman's office on post-traumatic stress disorder and other operational stress injuries as well as a re-examination of the treatment of injured Reservists. Both follow-up reports generated national media attention and debates on Parliament Hill. More importantly, however, the government made some important announcements regarding issues identified in our reports. In particular, we were pleased to see both an increase of $11.4 million in funding for the support of operational stress injuries in the Canadian Forces, and amendments to the *Accidental Dismemberment Insurance Plan* for Reserve Force personnel.

Last year our office also gratefully acknowledged the government's acceptance of a Federal Court decision that put an end to the clawback of disability benefits for veterans. Our office identified this government policy as grossly unfair in 2003, and urged the Minister of National Defence to take steps to put an end to the deduction and to provide retroactive compensation. [The Federal Court approved a final settlement agreement between parties on April 4, 2013. Veterans who had their disability benefits clawed back will receive retroactive compensation back to 1976.]

One of the main priorities for our office in the coming fiscal year is the completion of our systemic review of modern military families, launched in April 2012. Canada's military families are assets to the nation that play a vital role in maintaining the operational effectiveness of the Canadian Forces. These families also sacrifice a great deal for their Canadian Forces loved ones and the country itself. Our review will examine the challenges that are either unique to military families or more prevalent for them. We will also assess how well military families are supported by the Canadian Forces in facing these challenges. The Minister and senior leadership have been very supportive of this initiative. We expect to publish the results of our findings in the fall of 2013.

Our office has also launched the following investigations into:

- Excessive delays in the settling of moving claims and grievances at National Defence Headquarters. There is a backlog of some 1,500 claims and 200 grievances associated with mandatory postings (moves). The average wait time in achieving financial resolution is anywhere between 18 to 36 months.

- Cost of living and quality of life issues at 4 Wing Cold Lake in Alberta.

- The care and treatment of Canadian Forces Reservists suffering from operational stress injuries.

- Issues related to the provision of information to family members following the death or serious injury of a loved one while on duty. Specifically, the investigation will focus on the Board of Inquiry process.

In addition to addressing individual complaints and broader concerns in the Defence community over the past year, we also completed a comprehensive analysis of the strengths and deficiencies of the Ministerial Directives, which define the Ombudsman's mandate. While a fully independent mandate under the *National Defence Act* would best remove practical hindrances to fulfilling our responsibilities to both constituents and the Minister of National Defence, our intent in the near term is to pursue achievable improvements to the way we carry out our mandate.

This fiscal year, our office also made a significant contribution to advancing issues of fairness and human rights for armed forces personnel around the world. It was an honour for me to co-host the Fourth International Conference of Ombudsman Institutions for the Armed Forces from September 23-25, 2012. The participation of more than 25 countries represented the largest attendance since the inception of this international gathering in 2009; it was also the first time the conference was held in North America. The conference included sessions on domestic outreach and capacity development in ensuring that ombudsman institutions contribute to the effective and accountable governance of armed forces. At the conclusion of the conference, participants endorsed a conference statement that provided lessons learned and an action plan for moving forward.

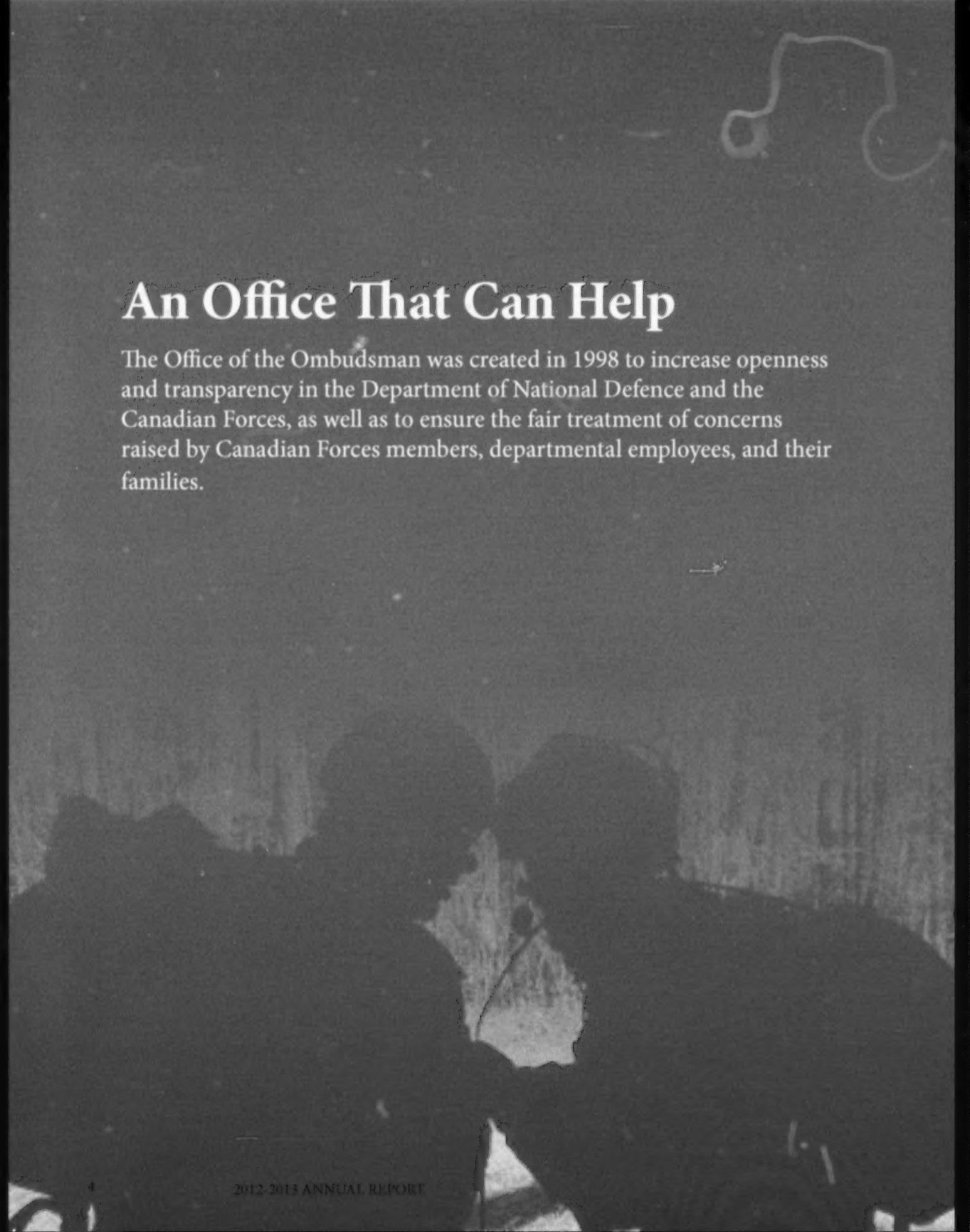
Looking ahead, my office will continue to refine efficiencies and affordability. Having eliminated all case backlogs and established strict service standards, our office is well positioned to deliver quality services to the Defence community while providing value for money to Canadian tax payers.

I recognize that this is a challenging time for Canada's Defence community with continued budgetary pressures on the military. All of these demands have increased the strain on the men and women of the Canadian Forces, civilian employees of National Defence and our military families, and they have made our role within the Defence community even more important. The challenge for our office going forward is to keep pace with these changes and ensure that our work continues to be timely, relevant and long-lasting.

Pierre Daigle
Ombudsman

An Office That Can Help

The Office of the Ombudsman was created in 1998 to increase openness and transparency in the Department of National Defence and the Canadian Forces, as well as to ensure the fair treatment of concerns raised by Canadian Forces members, departmental employees, and their families.



The office acts as a direct source of information, referral and education. It helps members of the Defence community navigate a large and complex organization in order to access existing channels of assistance or redress when they have a complaint or concern.

The office is also responsible for reviewing and investigating complaints from current and former Canadian Forces members, departmental employees, family members and other constituents who believe they have been treated improperly or unfairly by the Department of National Defence or the Canadian Forces.

Independent and impartial, we are dedicated to fairness for all.

Ombudsman investigators always attempt to resolve complaints informally and at the lowest level possible. However, complaints can also be the subject of thorough investigations, leading to a formal report with findings and recommendations that are made public.

The Ombudsman is independent of the military chain of command and senior civilian management, reporting directly to the Minister of National Defence. The office itself derives its authority from Ministerial Directives and their accompanying Defence Administrative Orders and Directives.

The Ombudsman is supported by an office of approximately 55 federal public servants, including investigators, complaint analysts and other specialist staff. Ombudsman investigators include former police officers, former Canadian Forces members of all ranks and occupations and public servants from across the federal government.

Any member of Canada's Defence community can approach the Ombudsman's office. This includes:

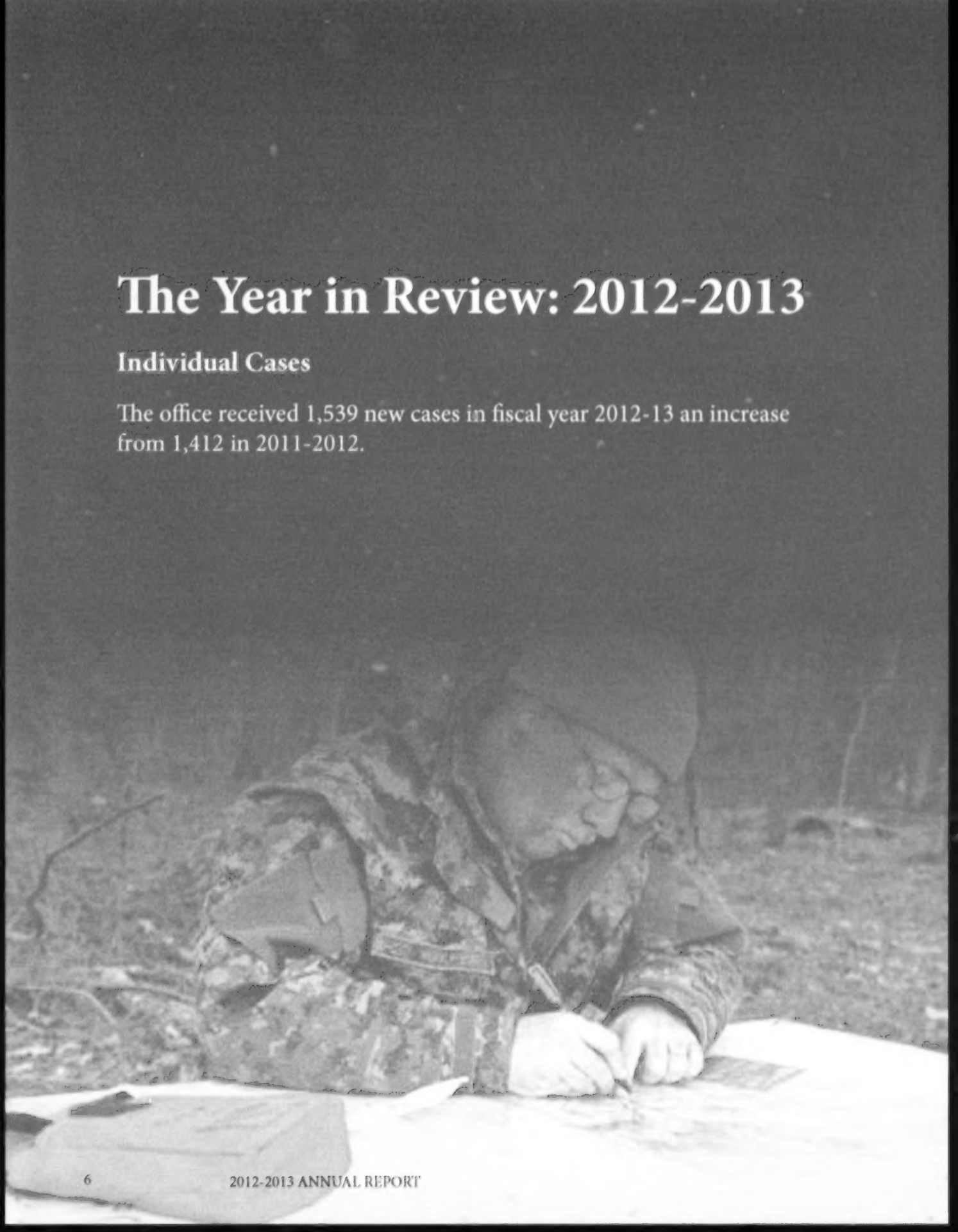
- Current and former members of the Canadian Forces (Regular Force and Reservists);
- Current and former employees of the Department of National Defence;
- Current and former members of the Cadets;
- Current and former Non-public Fund employees;
- Individuals applying to become a member of the Canadian Forces;
- Immediate family members of any of the above-mentioned; and
- Individuals on exchange or secondment with the Canadian Forces.

Members of the Defence community who bring a concern or complaint to the Ombudsman's office can do so without fear of reprisal. In addition, all information obtained by the office during the handling of cases is treated as confidential. The office will not provide any information related to a case or investigation to anyone without written consent from the complainant.

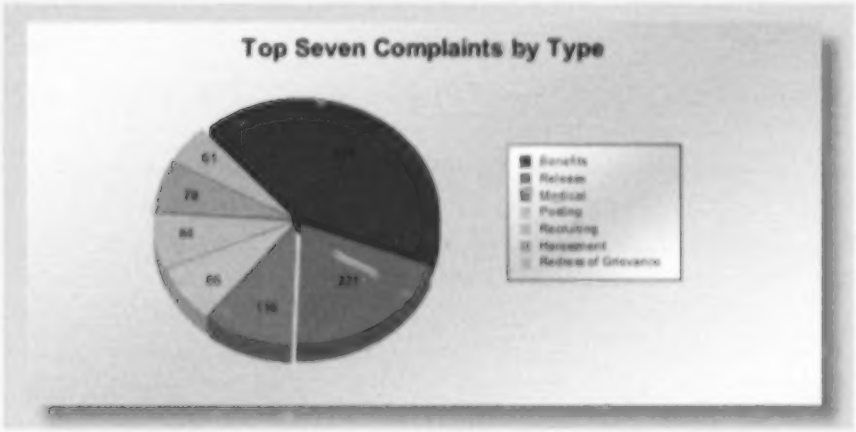
The Year in Review: 2012-2013

Individual Cases

The office received 1,539 new cases in fiscal year 2012-13 an increase from 1,412 in 2011-2012.



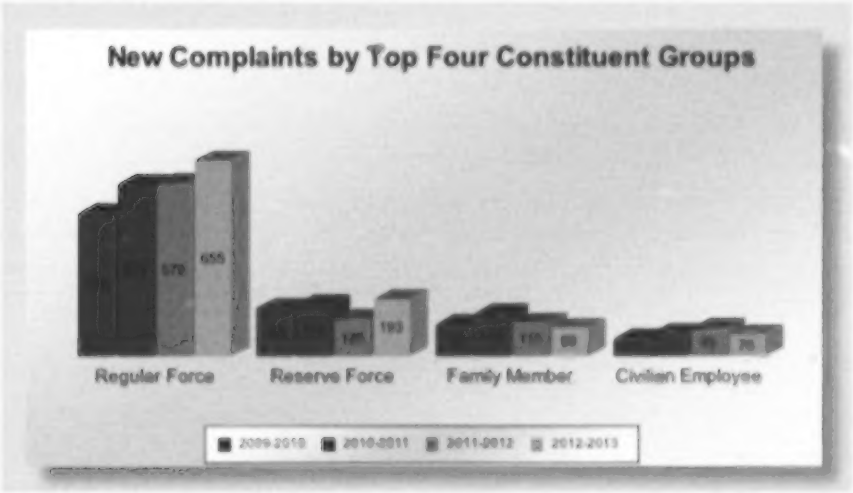
Common Complaints (2012-2013)



The Ombudsman's office also assists members of the Defence community with complaints and concerns related to a variety of subjects including promotions, benefits, grievances, leave/vacation, access to information, training and disciplinary action.

As in past years, the majority of new cases were brought to the office by serving members of the Canadian Forces.

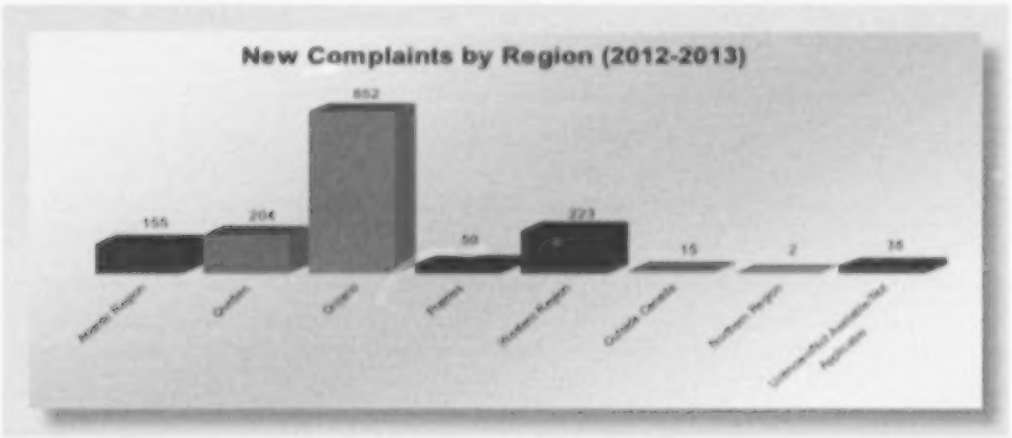
New Complaints by Top Four Constituent Groups (2009-2010 to 2012-2013)



New Complaints by Region (2012-2013)

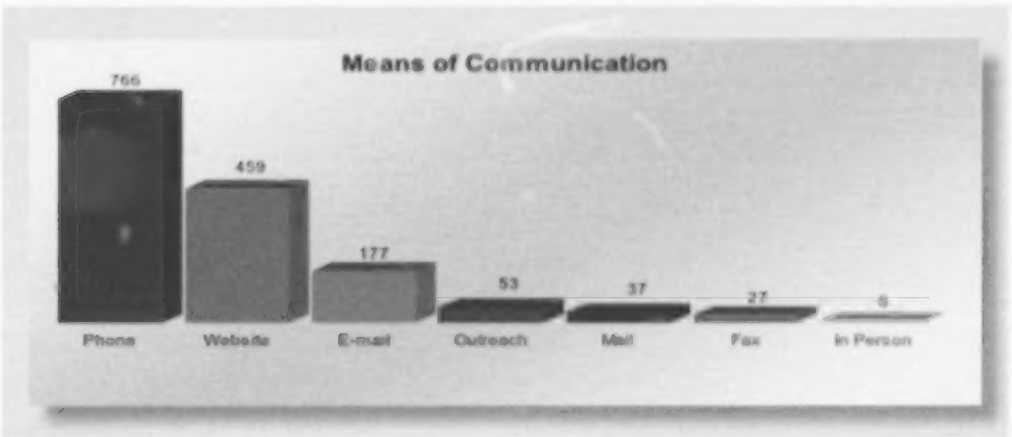
In 2012-2013, the largest number of new complaints originated in Ontario (852) followed by the Western Region (223), Quebec (204) and the Atlantic Region (155).

*The Office of the Ombudsman reports on *complaints against* an individual or organization. The numbers in the table represent the region where the complaint was directed and not necessarily the area where the complaint originated.



Communicating with the Office (2012-2013)

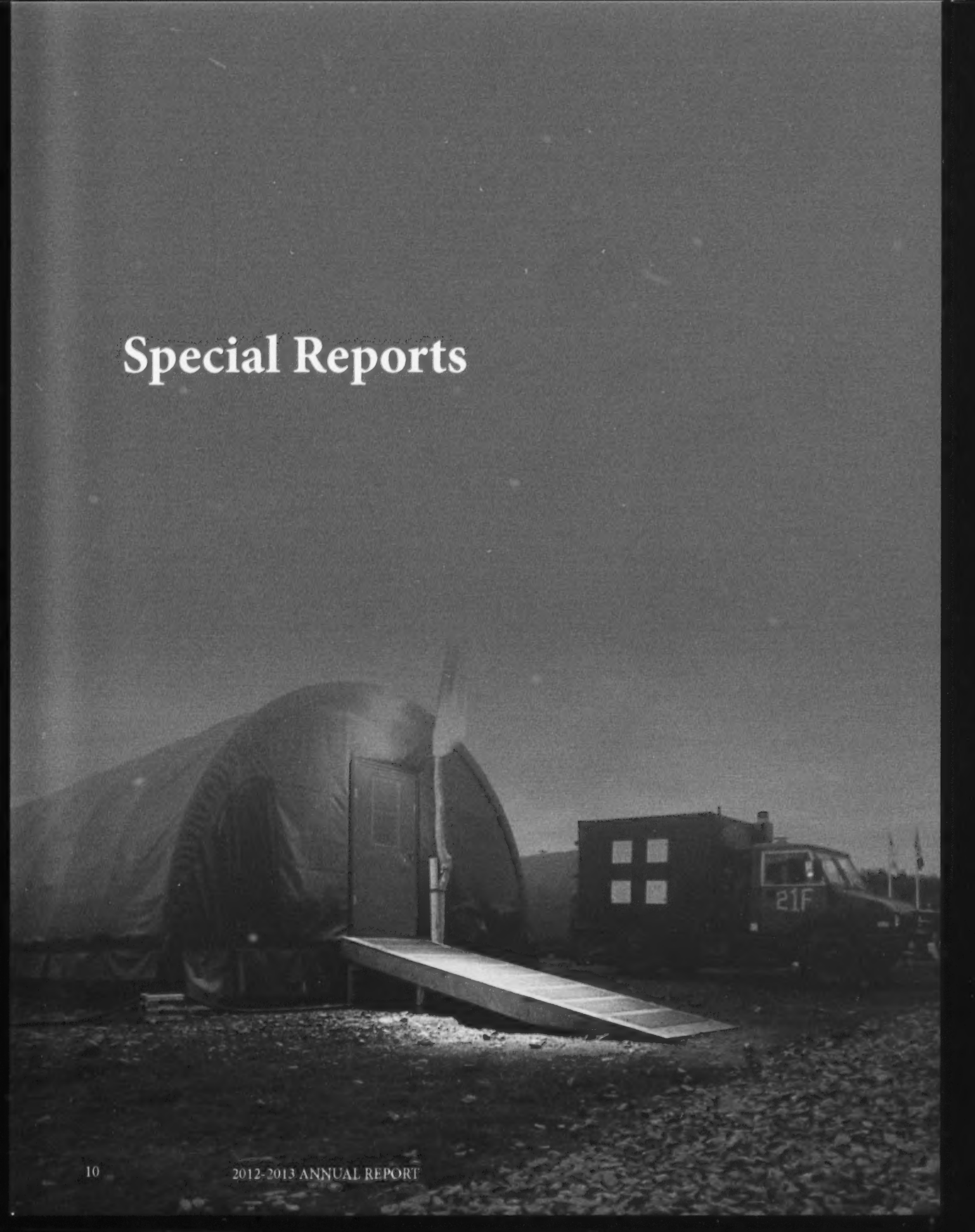
Over the past year, the majority of complainants contacted the Ombudsman's office through the Ombudsman's website (including its secure online complaint form) and through the office's toll-free telephone number: 1-888-828-3626. Members of the Defence community also contacted the office by e-mail, letter, fax and in person.



Innovation and Adaptation

Over the past year the office introduced a number of innovative measures to the way in which it handles cases, and established a comprehensive service standard model. This resulted in the elimination of all case backlogs and produced steadily improving turnaround times for case files.

Special Reports



Fortitude Under Fatigue: Assessing the Delivery of Care for Operational Stress Injuries that Canadian Forces Members Need and Deserve

In September 2012, the office released the findings of its third follow-up evaluation of the Canadian Forces' ability to respond to the challenge of post-traumatic stress disorder and other operational stress injuries. Following an extensive, ten-month investigation, including interviews with nearly 500 individuals across the country, the Ombudsman concluded that the Canadian Forces had made considerable progress in implementing the office's previous recommendations and addressed shortcomings in its identification, prevention and treatment of operational mental health injuries. Of the 16 recommendations made by the office in its 2008 follow-up report, *A Long Road to Recovery*, and its 2008 Petawawa case study, the Ombudsman found that the Canadian Forces had met, partially met or is in the process of meeting 12 of them. Of the remaining recommendations, two were found to be inconclusive, one was not met and one was considered no longer applicable.

Fortitude Under Fatigue also highlighted a number of broader findings from the investigation. Most notably, the Ombudsman found that the Canadian Forces' mental health care capability had evolved over the past decade from an *ad hoc* system to one that is structured to deliver integrated, holistic care for Canadian Forces members suffering from post-traumatic stress disorder and other operational stress injuries. The office recognized the role and commitment of senior military leadership in the expansion and evolution of the military's mental health structure between 2002 and 2012. It also recognized the professionalism and dedication of mental health caregivers as the most critical element in the overall functioning of the mental health care system.

Despite progress in a number of areas, the office also found a persistent shortage of qualified mental health care personnel. This shortage was identified as the largest impediment to the delivery of inclusive, high-quality care and treatment to Canadian Forces members suffering from mental health injuries.

The report noted that, while the Canadian Forces should be employing approximately 447 mental health practitioners, its mental health personnel strength has never extended beyond 380 and has not grown at all since 2010. Moreover, the report found that the shortfall in the caregiver community at several military bases where the operational stress injury challenge is most acute was even greater than the persistent national shortfall of 15-22 percent.

"While the Canadian Forces should be employing approximately 447 mental health practitioners, its mental health personnel strength has never extended beyond 380 and has not grown at all since 2010."

In *Fortitude Under Fatigue*, the Ombudsman also expressed frustration that the Department and the Canadian Forces continue to ignore a critical recommendation from the office's 2002 and 2008 special reports: the creation of a national database that would accurately reflect the number of Canadian Forces personnel who are affected by operational stress-related injuries.

The Ombudsman was also critical of the extremely limited performance measurement regime in place to track and report on the effectiveness of the Canadian Forces mental health system. As a result of the investigation, he found that the mental health capability in the Canadian Forces has not undergone recurring, qualitative system-wide performance measurement over the past ten years, despite this being one of the institution's top priorities and despite the tremendous money, time and energy that has been invested in the mental health system.

Given the chronic shortage of mental health caregivers and the lack of qualitative performance measurement, it was not possible to evaluate the appropriateness of the overall funding allocated to the operational stress injury imperative or whether or not the current mental health structure is sufficiently robust to meet the requirement.

In his special report, the Ombudsman also documented outstanding concerns associated with the extensive outsourcing of treatment that is taking place in the military health care system, as well as the inability of the Canadian Forces to maintain a current national understanding of the scope of the operational stress injury challenge.

In releasing *Fortitude Under Fatigue*, the Ombudsman made six recommendations to help position the Canadian Forces to address future challenges related to post-traumatic stress disorder and other operational stress injuries and to ensure that Canadian Forces members suffering from a mental health injury are cared for appropriately. For example, he called for an innovative recruitment campaign to increase the number of health care practitioners, the implementation of systemic performance measurement of the operational stress injury program, a holistic re-evaluation of the Canadian Forces' operational stress injury capability, and consideration of a more modern application of the principle of universality of service.

In his recommendations, the Ombudsman also stressed the importance of maintaining a concerted focus on providing care and support for those suffering from post-traumatic stress disorder and other operational stress injuries. He noted that, despite the Afghanistan draw-down and government-wide fiscal constraints, it is unlikely that the Canadian Forces' mental health challenge will subside for many years to come. The Ombudsman called for extreme caution in any future considerations regarding a reduction in resources or programs delivering care and support to Canadian Forces members suffering from an operational stress injury.

Reserved Care: A Follow Up into the Treatment of Injured Reservists

In 2012-2013, the office completed its first follow-up investigation into the treatment of injured Reservists.

Reserved Care: A Follow Up into the Treatment of Injured Reservists, reviewed the progress of 12 recommendations made by the office in 2008 to help ensure Reservists have proper access to medical care and administrative support.

The report identified that while a number of issues had been addressed, 8 of the 12 original recommendations had not been fully implemented. Of particular note, among those recommendations that had not been implemented were changes to the *Accidental Dismemberment Insurance Plan*, which maintained an unfair disparity as some Reservists were still not entitled to the same compensation as their counterparts for exactly the same dismemberment.

As a result of the intervention of the office, the Minister of National Defence announced amendments to the *Accidental Dismemberment Insurance Plan* for all Primary Reservists, regardless of their type of service.

Also on a positive note, the Canadian Forces has made a significant improvement with the implementation of recommended measures to ensure that all Canadian Forces Reservists now have electronic medical files accessible anywhere within the Canadian Forces medical system.

However, the Ombudsman also noted that Reservists are still not subject to periodic health assessments and routine immunizations. Although there is a limited trial underway, inconsistent medical screening standards applied to the Reserve Force poses two problems: a risk to the medical well-being of Reservists, and the potential inability to deploy medically-fit Reservists on domestic operations (floods, ice storms, etc.) because they lack the appropriate medical screening.

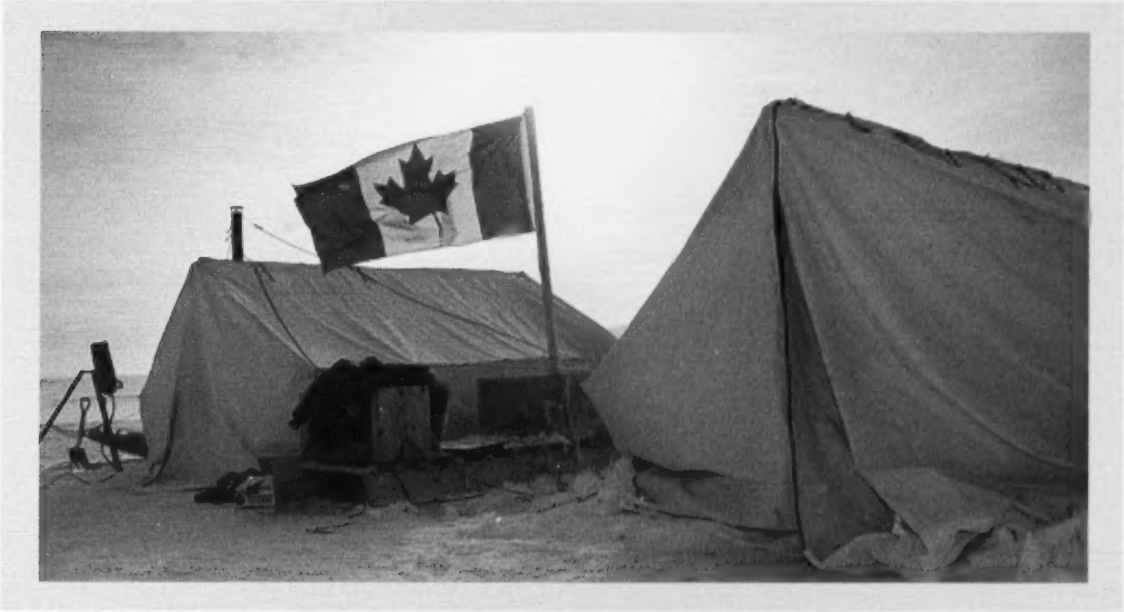
While the Department of National Defence released an interim guidance in 2009 that clarified the entitlement to medical care for Reservists, the Ombudsman's office has found that the guidance is not widely known by Reservists, the Reservist Chain of Command or the Canadian Forces medical system. The policy needs to be formalized and disseminated throughout the entire Canadian Forces.

Service Income Security Insurance Plan

In 2003, the Office of the Ombudsman conducted an investigation into the *Service Income Security Insurance Plan – Long Term Disability Plan* (SISIP LTD) after receiving complaints related to the plan and benefits payable to Canadian Forces members. Many of the complaints concerned the deduction or *clawback* of *Pension Act* disability pensions from monthly SISIP LTD benefits. Complainants argued that it was unfair that disability pensions were considered as a source of income under the SISIP LTD formula when the purpose of the disability pension was not to act as income replacement, but to compensate them for the pain and suffering they had endured as a result of becoming disabled while serving their country.

In the decade that followed, the office continued to push for the elimination of the clawback policy, calling on successive Ministers of National Defence to reimburse former Canadian Forces members – often the most disadvantaged of Canada's veterans – who had their SISIP long term disability benefits reduced.

In the spring of 2013, the Government of Canada announced that it would accept the Federal Court decision regarding the SISIP LTD Plan and would reimburse those who had been disadvantaged by the policy.



Ongoing Issues

Home Equity Assistance

Over the years, the office has identified serious concerns with the Home Equity Assistance policy within the Canadian Forces Integrated Relocation Program (CFIRP).

When posted, Canadian Forces members can be faced with volatile market conditions, a lack of availability of military housing, limited housing options in the open market, low rental vacancy rates and a short time-frame in which to decide where to live. Many of these circumstances are beyond the control of Canadian Forces members and can have severe and long-lasting financial and personal consequences.

Under the Home Equity Assistance policy, Canadian Forces members are only compensated for the full loss on the sale of a home if it is located in a community where Treasury Board Secretariat (TBS) – the authority on the government's relocation policy – has determined that the housing market has dropped by more than 20 percent. The CFIRP requires that a military member, who wishes to apply for depressed market status due to a home equity loss, must substantiate his/her case and submit it to the Director of Compensation and Benefits Administration for consideration and possible submission to TBS.

As a result of the Home Equity Assistance policy, a number of Canadian Forces members have incurred significant financial hardship. Between 2008 and 2012, 118 Canadian Forces members suffered losses greater than $15,000 and, in some cases, losses greater than $80,000. In comparison, only two received a full reimbursement. The former Chief of Defence Staff supported a number of grievances as valid claims for Canadian Forces members' loss of equity as a result of the sale of their home; however, he lacked the financial authority to reimburse these losses.
The Ombudsman appeared before the Parliamentary Defence Committee in February 2013 and recommended that the Chief of Defence Staff be given financial authority to resolve financial unfairness. Several other witnesses made the same recommendation.

The Ombudsman's office remains concerned by the financial losses and the resulting distress being placed on military members and their families as a result of relocation. The office will continue to investigate complaints that relate to the Home Equity Assistance policy and will submit recommendations as appropriate.

Post Living Differential

Post Living Differential rates (PLD) – designed to offset differences in cost of living – have been frozen by the Department of National Defence since April 2010. This move was instituted in order for the department to review the PLD methodology in conjunction with TBS.

Some regions have experienced a significant rise in the cost of living over the past four years, and a number of members have expressed dissatisfaction with the amount of PLD they receive. Moreover, the creation of a Transitional Post Living Differential means that some members receive 2009 rates with no reduction, while those posted into the same region after the freeze receive lower rates or, in some cases, no PLD at all. The Chief of the Defence Staff stated in a grievance decision in October 2011 that this created a system of "haves and have-nots" and he directed that this unfairness be addressed.

The Ombudsman followed up on the matter in February 2013 and the Chief of the Defence Staff replied on February 27, 2013, indicating that, while the matter remains a high priority for the Department, the program is still under review at the TBS.

Classification Grievance Delays

As observed during the Ombudsman's outreach visits to various bases across the country, delays in the classification grievance process and inconsistent classification levels for similar jobs in Ottawa versus the provinces/regions continue to be a strong preoccupation of civilian employees within the Department of National Defence. Of the 76 complaints received this fiscal year from departmental employees, 33% (25 complaints) were related to civilian classification grievances.

Pursuant to Section 237 of the *Public Service Labour Relations Act*, regulations were established (effective April 1, 2005) dictating that a written response must be provided to an employee no later than 80 days after the date a classification grievance is presented. This can be extended by written agreement between the parties.

In gathering information related to complaints about the classification grievance process, the office was made aware of general delays and a backlog at the Directorate of Civilian Classification and Organization. Indeed, Ombudsman office enquiries revealed that, as of March 2012, there were approximately 250 classification grievances awaiting hearing, with the oldest pending grievance dating back to 2008. Currently, the 80 day deadline for a written response is not being met (or even close to being met) in any of the files handled by the Directorate of Civilian Classification and Organization.

The Directorate of Civilian Classification and Organization indicated that efforts are underway to clarify and streamline the process in order to address the backlog and reduce overall delays. We continue to monitor this issue and intend to conduct a more comprehensive investigation in fiscal year 2013-2014.

Harassment

Complaints related to harassment have consistently ranked among the top seven issues brought to the attention of the office since it was established in 1998. Harassment complaints have continued to rise over the years and the Ombudsman and his staff have identified several key areas of concern, notably: a lack of coherent data with respect to harassment, fear of reprisal for those who feel they have been harassed, and a lack of consequences for the perpetrators of harassment.

In 2012-2013, the office was invited to testify before the Standing Committee on the Status of Women as part of their examination of sexual harassment in the federal workplace. The testimony provided to committee members by the Ombudsman's office stood in contrast to the information provided by the Department and the Canadian Forces.

The office will continue to closely monitor this issue and will evaluate the need for greater intervention in the coming months.

Broader Investigations

Reviewing the Systemic Concerns of Canada's Military Families

The office's most visible intervention in recent years has been related to the care and treatment of military families who have lost a Canadian Forces loved one while serving their country. The focus on this issue, however, shed light on a number of other concerns that affect the lives of Canada's military families – including operational tempo, operational stress injuries, housing, medical concerns, and social and community support.

Since the Ombudsman's office was established in 1998, more than 1,000 military families have come forward with complaints and concerns (more than 100 over the past 12 months) regarding these and other issues. At the same time, through the Ombudsman's extensive outreach efforts, the office has also encountered and documented dozens of similar complaints from military families across the country.

This is why, in the spring of 2012, the office launched a systemic review into the care and treatment of – and, in many respects, the unique reality and burden facing – Canada's military families.

Canada's military families are precious national assets that play a vital role in maintaining the operational effectiveness of the Canadian Forces. They also sacrifice a great deal for their Canadian Forces loved ones. It is, in many respects, a unique and very difficult life for Canada's military families – resulting in frequent moves (often between provinces and away from other loved ones) and constant uncertainty; prolonged absences of military spouses; significant anxiety as a result of operational deployments; and extra care for Canadian Forces loved ones who may be injured in the course of their military service.

Reflective of broader Canadian society, today's military families – and the definition of military families – have also evolved quite significantly over the past couple of decades to include many more working spouses, single parents, same-sex couples and other family dynamics. Military culture, policies and practices have not always kept pace with these changes, causing difficulties for many military families.

The Minister of National Defence, the Department and the Canadian Forces have put in place a number of important initiatives over the past few years aimed at providing more support for Canada's military families, including: the 'Shoulder to Shoulder' program meant to provide sustained support to families of fallen Canadian Forces members; the FamilyForce.ca website and the Family Information Line, both meant to keep military families better informed, connected and involved; and the National Military Family Council, which was created to provide the Canadian Forces with advice and recommendations on the needs of military families.

However, even with these programs and initiatives, the Ombudsman's office has found a number of significant and systemic concerns and complaints that have not been resolved or not resolved uniformly or consistently across the country. At the same time, it is important to recognize that some of the most common and significant concerns are outside of the control and jurisdiction of National Defence and the federal government.

For example, when Canadian Forces members and their families are posted between provinces, many spouses have a great deal of difficultly in accessing adequate health care and child care. While many Canadians have difficulties in finding a family doctor and appropriate care for their children, the problem is even more pronounced for military families who may be moved by the Canadian Forces a dozen or more times over the course of a military career. Currently, Canadian Forces families move three times more often than civilian families and are four times less likely to have a family physician. In a country where comprehensive health care coverage is publicly funded, the mobility inherent to the military lifestyle prevents many Canadian military families from accessing primary health care resources and services.[1]

Mobility also poses a problem for military spouses seeking employment. So too does the fact that many provinces do not recognize the credentials or expertise of certain military spouses (e.g., teachers, nurses, etc.) when they are forced to move between provinces.

In Canada, the provinces are generally responsible for health care, employment and child care. As a result, some military families – who are being moved throughout Canada by the Canadian Forces – are falling through jurisdictional cracks.
As part of the office's ongoing review, the mobility policy and procedures of the Canadian Forces are being studied to determine, in particular, if there are any ways from a policy perspective to ease some of the strain on Canada's military families.

The office is also interested in working with provincial ombudsmen from across the country in order to look at best practices and see if some collective recommendations can be put in place to improve the quality of life of Canada's military families. For example, in 2007 and 2008 respectively, the Ontario and New Brunswick governments eliminated the waiting period for health insurance coverage for the dependents of Canadian Forces personnel being posted to those provinces. The office will be looking to foster this type of cooperation in health care and other areas across the country.

As part of the review, the office is also talking to military families and looking at the care and treatment they have received throughout their experience with the Canadian Forces – from the time their loved ones joined the military, to the initial and ongoing training periods, to the various postings, to the operational deployments, and to when they decide to leave the Defence community.

At the same time, the office will be looking at whether the Canadian Forces have the appropriate policies, programs and resources in place to properly support Canada's military families.

It is expected that this review will be completed and published in the fall of 2013.

1 From a Canadian Forces Health Services article in the "Lookout" newspaper, January 3, 2012 (Vol. 57, No.1).

Quality of Life Issues at Cold Lake

In May 2012, the Ombudsman visited 4 Wing Cold Lake as part of the office's ongoing outreach initiative. During that trip, a number of Canadian Forces members and their families raised concerns surrounding a number of issues directly affecting their quality of life.

Problems associated with the high cost of living in Cold Lake were raised in all of the meetings and town hall sessions during the visit. Ombudsman investigators were told that, as a result of increased production in the oil and gas industry in the area, the local population has grown, wages for those outside of the Defence community have risen and costs for most goods and services have increased dramatically. Moreover, as a result of these changes in the local community, the cost for a residential housing unit on base has also increased as rent adjustments are driven by changes in the local property market. It should be noted that the Minister of National Defence announced in February 2013 that a planned nine percent rent increase would be offset by a ten percent reduction, resulting in a net reduction of one percent.

Canadian Forces members and their families at Cold Lake have told us that their quality of life has been significantly eroded. Indeed, a number of members informed us that they had to take on part-time jobs in order to make ends meet. Other flagged concerns related to poor quality of on-base housing and lack of accessibility to medical services. Based on the number of issues raised, the Ombudsman assigned an investigation team to look into the various issues and report on their findings. The report will be publicly released this summer.

Board of Inquiry Process

Throughout 2010, the Ombudsman raised concerns with the Minister of National Defence about the treatment of military families after the death of a Canadian Forces member. Specifically, his comments were directed toward the Board of Inquiry (BOI) process and the ability of families to have access to and receive information about their loved ones arising from the BOI in a timely fashion. At the time, the Ombudsman recognized that the Canadian Forces has made progress in implementing the recommendations from our 2005 special report, *When a Soldier Falls*. At the same time, he noted significant problems remained and more needed to be done to ensure that military families are treated fairly and compassionately after the death of a Canadian Forces member. The Minister informed the Ombudsman in December 2010 that the Canadian Forces would be implementing 13 initiatives to 'improve our processes, which are focused towards administrative excellence but which at times lack the compassion needed by families during these troubling times.'

Because the Ombudsman's office has several active files involving the same issues cited by the Minister in his December 2010 letter, the office has launched a review to document the evolution of the Board of Inquiry process with respect to serious injury, sudden death or suicide from December 2010 onward. It will specifically benchmark the 13 initiatives noted in the Minister's letter to assess their implementation and, if possible, their impact on members and families. This investigation/review is expected to conclude in the winter of 2013.

Operational Stress Injuries and the Reserve Force

The Ombudsman released two reports related to Canadian Forces health care in 2012. The first was *Fortitude Under Fatigue: Assessing the Delivery of Care for Operational Stress Injuries that Canadian Forces Members Need and Deserve*. It was a review of the Canadian Forces' ability to respond to the challenge of mental health service provision to Regular Force Members. The second was *Reserved Care: A Follow Up into the Treatment of Injured Reservists*. This report re-examined our 2008 recommendations regarding the provision of health care to members of the Reserve Force serving in Canada.

As a result of concerns and issues raised while conducting both investigations, we have launched a companion study to take a snapshot of how Reserve Force members are supported by the Canadian Forces' mental health care and social support system when they are experiencing mental health issues related to operations. This study is expected to conclude early in 2014.

Delays with Claims and Grievances

The Ombudsman's office has received, and continues to receive, a number of complaints regarding extensive delays with the adjudication of claims and grievances related to compensation and benefits. As part of the office's investigation into these issues, investigators were informed in April 2012 that there were more than 1,500 claims and over 230 grievances awaiting adjudication or decision. In most cases, Canadian Forces members have grieved decisions related to the Integrated Relocation Program, Separation Expenses, Imposed Restriction or Post-Living Differential, all of which often involve thousands of dollars and have a direct impact on the financial health of members and their families.

In more than 90 percent of grievances, Canadian Forces members have waited more than *12 to 18 months* for a decision from the Director General of Compensation and Benefits. Similarly, in the case of adjudications, many members are experiencing delays of up to 18 months. Canadian Forces guidelines, known formally as *Queen's Regulations and Orders*, state that a decision should be rendered in *60 days*.

The Ombudsman's final report is due to be released publicly in the summer of 2013.

Corporate Priorities and Initiatives

As part of the suite of changes introduced over the past 12 months to provide service standard-based assistance to the Defence community, the office will focus on the following four key areas during fiscal year 2013-2014:

Enhance Awareness of the Ombudsman's Role and Mandate within the Defence Community

The effectiveness of an organization is often determined by the level of credibility it has with its stakeholders. The very presence of an Ombudsman arguably helps reassure members of the Canadian Forces, departmental employees and their families that Department of National Defence and Canadian Forces operates in a fair and ethical manner. This was part of the intent in setting up the Ombudsman's office 15 years ago. With this in mind, the office will enhance awareness of the Ombudsman's role and mandate by maximizing outreach opportunities with key internal and external stakeholders.

Assist the Defence Community

Building upon the progress made in 2012-2013 with respect to improving its ability to be a direct source of information, referral and education, as well as improving the provision of neutral and objective investigations, the office will:

- Continue to enhance the capacity of the Intake section at the early resolution stage by reinforcing the capacity of front-line staff to deal effectively with complex and sensitive issues;
- Continue to focus on early resolution of complaints at the lowest level (effective and timely investigations of individual cases will continue to be a priority);
- Consolidate gains and monitor progress on the newly implemented portfolio approach and service standards in order to improve the quality of initial contacts with the office, including ensuring timely and accurate assessments of cases; and
- Formalize and implement a quality assurance and research capacity to ensure that complainants are getting high-quality information, referral and assistance in a timely manner.

Effectively Address Systemic Issues

In 2013-2014, the office will develop and maintain the capacity to quickly identify and address systemic issues affecting the Department and the Canadian Forces. Specifically, in the upcoming year the office will refine and enhance a decision-making process for special/own-motion investigations and maintain the ability to quickly launch up to two mini-systemic investigations or case studies without affecting daily operations.

Demonstrate Value for Money

Expanding upon the task of reviewing funds allocation and business processes undertaken in the previous fiscal year, in 2013-2014 the office will:

- Continue to refine existing internal processes in order to maximize its operational effectiveness. Such initiatives will include the development of standard operating procedures, the digitization of complaint files, and the development of effective performance measurement indicators.
- Continue its analysis of the Ministerial Directives in order to identify potential improvements in efficiencies.
- Implement a social media engagement strategy and make enhancements to the office's website. This will enable the Ombudsman to: increase awareness and understanding of the office and its mandate; educate stakeholders about issues facing the Defence community and about the actions the office is taking to resolve those issues; and actively listen to constituents and stakeholders in order to better understand the issues facing Canada's Defence community.

Outreach

As part of the office's ongoing outreach initiative aimed at enhancing the overall awareness and understanding of the Ombudsman's role and mandate within the Defence community, the Ombudsman and his staff visited a number of military installations across the country; engaged constituents at military and departmental events; and reached out broadly to military and civilian leaders, stakeholders and like-minded organizations. These visits have also provided the Ombudsman and his staff with a better understanding of the issues and challenges facing members of the Defence community.

Visits to Military Installations

The Ombudsman's office is committed to connecting directly with constituents where they live and work. In this vein, the Ombudsman and his staff travel regularly to Canadian Forces bases and wings where they meet with senior leaders, non-commissioned members of all ranks and occupations, family members, health care providers, chaplains, social workers and civilian employees. These sessions are meant to provide information on the office's services, to discuss issues of importance and to receive and document complaints. In 2012-2013, the Ombudsman and Ombudsman staff travelled to a number of Canadian Forces bases:

- The Toronto Scottish Regiment (Ontario) on May 8, 2012;
- Cold Lake (Alberta) on May 14 to 18, 2012;
- Valcartier (Quebec) on November 26 to 28, 2012; and
- Saint-Jean (Quebec) on January 21 to 25, 2013.

Operations staff also visited Cold Lake, Montreal, Petawawa and Borden in the context of investigations and reviews.

The Ombudsman and his staff also presented at a number of leadership courses throughout the year. Staff made presentations to Canadian Forces personnel in St-Jean, Winnipeg, Kingston and Halifax.

Interacting with Constituents at Departmental Events

Over the course of 2012-2013, the Ombudsman's office participated in several outreach events in the National Capital Region, meeting with constituents and increasing the organization's visibility. Office staff took part in the following functions:

- National Defence and Canadian Forces Ombudsman Awareness Campaign (April 26, 2012);
- Employee Assistance Program Awareness Week (May 1, 2012);
- Annual Family Appreciation Days (June 2-3, 2012); and
- Black History Month (February 15, 2013).

In order to ensure that newly hired departmental employees are acquainted with the services provided by the Ombudsman's office, the outreach team also participates at monthly orientation sessions for new civilian members of the Defence community.

Would you like someone from the Ombudsman's office to speak to your group/organization?

E-mail the details of your request to:
ombudsman-communications@forces.gc.ca
or call 1-888-828-3626

Fostering Relationships with Leaders, Stakeholders and Other Ombudsman Organizations

In order to foster and maintain constructive working relationships, the Ombudsman often meets with military and civilian leadership to discuss issues of importance and concerns brought forward by constituents. Over the course of the year, the Ombudsman and other office staff attended a number of meetings with key Defence officials, including the Chief of the Defence Staff, Chief Military Personnel and a number of other senior leaders within the organization.

In addition to these meetings, the Ombudsman was invited to appear before the Standing Committee on National Defence on two separate occasions to contribute both to its study of Bill C-15 *An Act to Amend the National Defence Act*, and to report on the findings of *Fortitude Under Fatigue*, the office's third follow-up examination of the ability of the Canadian Forces to respond to the challenge of post-traumatic stress disorder and other operational stress injuries. The office was also invited to testify at the Standing Committee on the Status of Women as part of its examination of sexual harassment in the federal workplace.

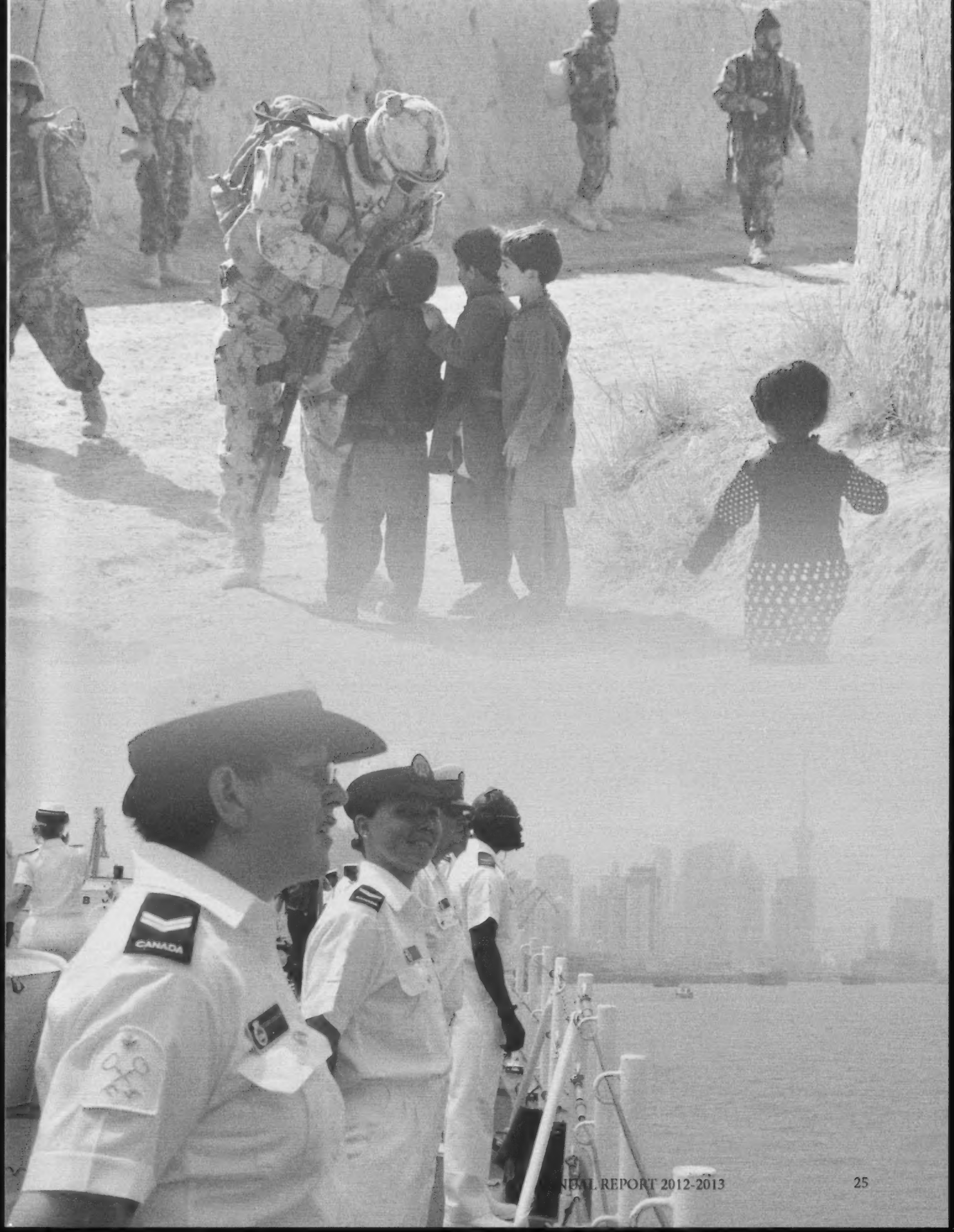
International Outreach

In September 2012, more than 25 countries participated in the Fourth International Conference of Ombudsman Institutions for the Armed Forces (ICOAF). The event was co-hosted by the Office of the Ombudsman and the Geneva Centre for the Democratic Control of the Armed Forces. This was the first time the conference was held outside of Europe.

Several new countries were welcomed at the conference – which boasted the largest attendance to date – including representatives from Burkina Faso, Burundi, Czech Republic, Honduras, Ivory Coast, Kyrgyzstan, Russia, Senegal, South Africa, Tajikistan and Tunisia. The presence of so many countries – recent and recurring – underscored the increasing effectiveness and strength of ICOAF and the importance of Canada's ongoing participation in the event.

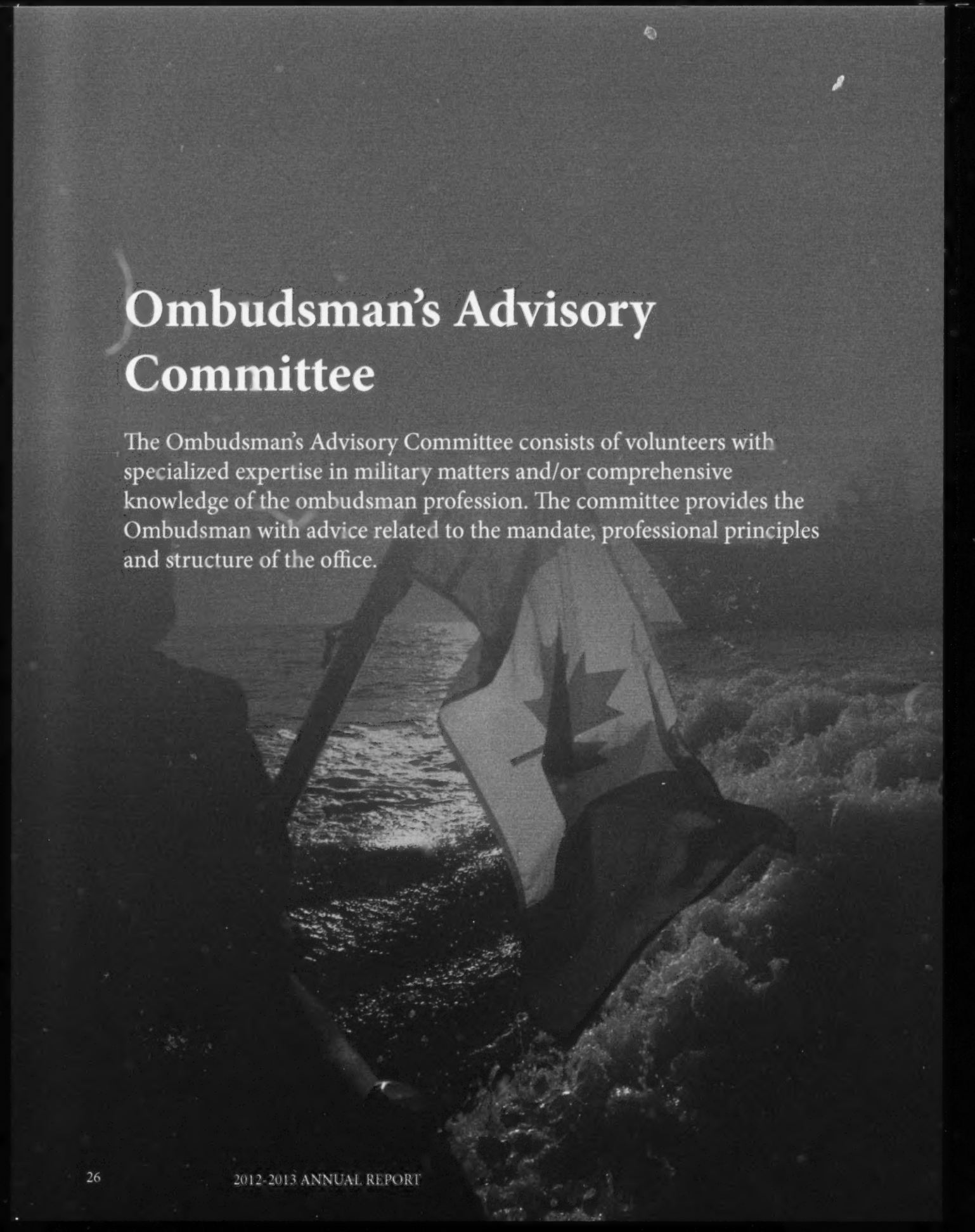
Upon opening the conference, the Minister of National Defence, the Honourable Peter MacKay, noted the importance of international cooperation among 21st century militaries. Partnerships such as ICOAF not only provide opportunities to share best practices and lessons learned, they also help to improve and protect the welfare and rights of armed forces personnel on an international scale.

The Geneva Centre for the Democratic Control of Armed Forces is one of the world's leading institutions in the areas of security sector reform and governance, and it co-chairs this annual conference, which began in Germany in 2009. The purpose of the conference is to facilitate the exchange of best practices and lessons learned related to the protection and promotion of the welfare and rights of armed forces personnel amongst military ombudsman institutions from around the world. The 5th ICOAF will be held in October 2013 in Oslo, Norway. More information on this forum is available at **http://icoaf.org**.


CANADA

Ombudsman's Advisory Committee

The Ombudsman's Advisory Committee consists of volunteers with specialized expertise in military matters and/or comprehensive knowledge of the ombudsman profession. The committee provides the Ombudsman with advice related to the mandate, professional principles and structure of the office.



In October 2012, the committee met in Ottawa to discuss a number of the broader issues facing the Department of National Defence and the Canadian Forces, including: the care and treatment of injured members of the Canadian Forces; current and anticipated challenges confronting the Canadian Forces health care system; difficulties facing Canada's military families; problems and concerns associated with the military mobility policy and process; and the ongoing and anticipated impact of operational stress injuries on the Canadian Forces and Canadian Forces members.

At the meeting, the Ombudsman's Advisory Committee bid farewell to three long-standing members, Commander Brigitte Boutin, Major Bill Dalke and Ms. Annie Vaillancourt.

At the end of March 2013, the Ombudsman's Advisory Committee consisted of the following individuals:

- Lieutenant-Colonel John Conrad is a published author, lecturer and a Reserve Commanding Officer with more than 28 years of experience in the Canadian Forces. In 2006, he served as Commanding Officer of the Canadian Logistics Battalion, the unit responsible for sustaining the Canadian Task Force in Southern Afghanistan.

- Lieutenant-Colonel Leslie Dawson is the Director of Chaplain Services in Ottawa. Since joining the Canadian Forces in 1989, she has served in numerous chaplain positions, including: Chapel Life Coordinator, Unit Chaplain, Base Chaplain, Brigade Chaplain and Formation Chaplain.

- Ms. Gaynor Jackson is the Executive Director of the Esquimalt Military Family Resource Centre. She has worked in a variety of roles within the organization over the past 24 years, including: as a front-line social worker, community developer, educator, fundraiser and administrator.

- Mr. Howard Sapers was appointed as Correctional Investigator of Canada in 2004. He has a strong background in corrections, rehabilitation of offenders and crime-prevention gained through employment and community service. He has also authored several publications and a number of articles regarding the role and principles of ombudsmanry. Mr. Sapers serves as the committee chair.

- Mr. Bill Tanner is a Second World War veteran and an honorary member of the committee.

Several new members of the committee are in the process of being nominated.

Liz Hoffman Memorial Commendation For Complaint Resolution

The *Liz Hoffman Memorial Commendation for Complaint Resolution* is awarded annually to recognize Canadian Forces members, civilian employees and family members who have gone the extra mile and exceeded expectations in helping their colleagues resolve a difficult problem or in bringing about positive and lasting change to the Department of National Defence and the Canadian Forces.

At a special ceremony held in Ottawa on October 18, 2012, the Ombudsman honoured five members of Canada's Defence community with commendations. The Parliamentary Secretary to the Minister of National Defence, Mr. Chris Alexander, the former Chief of the Defence Staff, General Walt Natynczyk, and a number of parliamentarians were present to recognize these outstanding members of the Defence community.

(L-R): Parliamentary Secretary to the Minister of National Defence, Mr. Chris Alexander, Dr. Andrea Hoffman, Master Warrant Officer Roch Massicotte, Captain Erin Kjosness, Ms. Denise Moore, Major Donnie Oulton, the former Chief of the Defence Staff General Walt Natynczyk and Ombudsman Pierre Daigle. (Not pictured: Major Stéphane Roux)

Recipients of the 2012 Liz Hoffman Memorial Commendation for Complaint Resolution

Master Warrant Officer Roch Massicotte

Master Warrant Officer Roch Massicotte is the driving force behind all conflict resolution initiatives at 19 Wing Comox. He consistently goes above and beyond his formal duties as Dispute Resolution Training and Promotions Coordinator to provide the community with exceptional support and guidance. MWO Massicotte's proactive approach to identifying potential areas of conflict and engaging all parties involved as quickly as possible has resulted in very few complaints reaching fruition. Indeed, as a direct result of his outstanding efforts, there has been a dramatic reduction in the overall number of complaints at the base. By offering group training sessions to units, meeting individuals on a one-on-one basis, and engaging other professionals at the base, MWO Massicotte is always at the forefront in ensuring individuals are treated with fairness and integrity. He is recognized across 19 Wing for his unique ability to handle the most sensitive situations with professionalism and compassion – a balance that allows him to fulfill the training and promotion aspect of his duties while looking after the well-being of those in need. MWO Massicotte's leadership and dedicated efforts have enhanced morale at Canadian Forces Base Comox and ensured the success of the local conflict resolution program.

Major Stéphane Roux

In his role as Wing Surgeon at Canadian Forces Base Bagotville, Major Stéphane Roux has demonstrated remarkable selflessness, perseverance and resourcefulness in ensuring military families in his community have access to medical care. Refusing to turn a blind eye to families in need, Major Roux seeks out a special exemption from provincial authorities every year that allows him, as a military doctor, to treat the family members of Canadian Forces personnel who do not have access to a family doctor. Managing an incredibly demanding workload as Wing Surgeon and sacrificing his own personal time with his loved ones, Major Roux works evenings to help ensure the well-being of families in Bagotville. Through his generous and determined efforts, he has alleviated a great deal of stress of countless military families and made a tremendous difference in his community. In going well above and beyond the normal requirements of his job, Major Roux is also an inspiration for all members of the broader Defence community in Canada.

Directorate Cadets and Junior Canadian Rangers

(Captain Erin Kjosness, Ms. Denise Moore and Major Donnie Oulton)

When the Directorate Cadets and Junior Canadian Rangers undertook a major update to the Cadet Harassment and Abuse Prevention program, three individuals went above and beyond their normal duties to make the new training a reality.
Captain Erin Kjosness, Ms. Denise Moore and Major Donnie Oulton were instrumental in the creation of Positive Social Relations for Youth – a high-quality, user-friendly and leading-edge training program that helps youth deal effectively with conflict in their day-to-day lives. Captain Kjosness, Ms. Moore and Major Oulton were involved at every stage of the project: making policy and training recommendations; engaging stakeholders; coordinating and collaborating with external partners on multi-media production; ensuring an emphasis on alternative dispute resolution; identifying learning objectives; developing training lessons; contributing to the filming of a video and DVD; and much more. Through their dedication, innovation and passion, Captain Kjosness, Ms. Moore and Major Oulton brought about positive and lasting change to the Cadet Program and the lives of tens of thousands of young Canadians.

Appendix I – Disposition of Cases (2012-2013)

Total Cases Handled*	2079
Cases Closed	1800
Cases in Progress (as of March 31, 2013)	177
Cases Closed at Intake	1378
Information or Assistance Provided	1037
Referred to Existing Mechanisms	133
Withdrawn	82
Abandoned	41
Outside Mandate	85
Cases Closed at Complaint Resolution	191
Information or Assistance Provided	62
Informal Resolution	79
Referred to Existing Mechanisms	23
Abandoned	3
Withdrawn	10
Investigated: No Follow-up Required	12
Investigated: No Issues Identified	1
Outside Mandate	1
Cases Closed at Investigation	231
Investigated: No Follow-up Required	58
Information or Assistance Provided	30
Informal Resolution	24
Referred to Existing Mechanisms	37
Outside Mandate	4
Investigated: Follow-up Required	24
Investigated: No Issues Identified	42
Withdrawn	9
Abandoned	3

**This includes new cases, cases re-opened and cases carried over from previous fiscal years. Any discrepancies in totals are as a result of rounding and the transition to a new case management system.*

Appendix II – Financial Report

Summary of Expenditures

In 2012-2013, the Minister of National Defence approved a budget of $6.7 million* for the Office of the Ombudsman. Actual expenditures totalled $5.8 million, of which $4.7 million was related to salaries.

Mail and courier services	$ 2,422
Supplies/furniture	$ 39,684
Training and professional dues	$ 59,559
Acquisition/rental office equipment	$ 31,013
Network maintenance and support	$ 88,520
Telecommunications & IT connections	$ 59,942
Travel and transportation	$ 94,184
Communications & public outreach	$ 85,294
Professional & special services	$ 610,055
Salaries	$ 4,748,526
Total	$ 5,819,199

** Includes a one-time funding allocation of $200,000 for the Office to host the 4th International Conference of Ombudsman Institutions for the Armed Forces. Actual expenditures for this event totalled $100,000 and are included in the summary breakdown.*